

MASSACHUSETTS CARPENTERS CENTRAL COLLECTION  
AGENCY, et al.,

Plaintiffs,

v.

C. J. AUDITORE FLOORING, INC.,

Defendant.

FILED  
IN CLERKS OFFICE  
2004 JUL -8 A 11:48  
U.S. DISTRICT COURT  
DISTRICT OF MASS  
NO. 04-10553-MEL

MOTION FOR ENTRY OF JUDGMENT

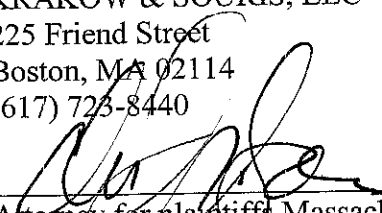
Plaintiffs, Massachusetts Carpenters Central Collection Agency, et al., upon the accompanying Affidavit of Harry Dow, respectfully moves pursuant to F.R.C.P. 55(b)(1), for entry of judgment by the Clerk ordering the defendant, C. J. Auditore Flooring, Inc. to pay to the plaintiffs the sum of \$114,913.82 in damages and taxable costs.

Dated:

7/7/04

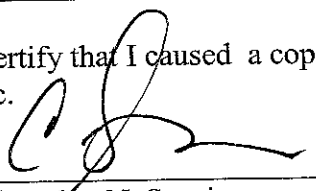
Respectfully submitted,

Christopher N. Souris  
BBO #556343  
KRAKOW & SOURIS, LLC  
225 Friend Street  
Boston, MA 02114  
(617) 723-8440

  
Attorney for plaintiffs Massachusetts Carpenters  
Central Collection Agency, et al.

CERTIFICATE OF SERVICE

I, Christopher N. Souris, hereby certify that I caused a copy of the foregoing to be mailed this date to C. J. Auditore Flooring, Inc.

  
Christopher N. Souris

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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)  
) CIVIL ACTION  
) NO. 04-10553-MEL  
)  
)  
)  
)  
)

**AFFIDAVIT OF DAMAGES AND TAXABLE COSTS**

Harry Dow, under penalties of perjury, hereby declares as follows:

1. I am presently the Director of plaintiff Massachusetts Carpenters Central Collection Agency.
2. In that capacity I am responsible for receiving the contributions due to certain employee benefit funds (referred to collectively as "the Funds") from employers such as defendants that have entered into collective bargaining agreements with local unions of the United Brotherhood of Carpenters & Joiners of America pursuant to which they have agreed to make certain payments to the plaintiffs.
3. Defendant C. J. Auditore Flooring, Inc., is delinquent in its contributions and payments due plaintiffs in the amount of \$87,281.63 through June, 2004.
4. The liquidated damages and interest charges on the amount owed to the Funds by C. J. Auditore Flooring, Inc, that are required by the Trust Agreements pursuant to which they were established and the relevant collective bargaining agreement, computed to June 25, 2004, are \$17,456.32 and \$9,321.45 respectively.

5. The reasonable attorney's fees for instituting and prosecuting this action that is required by the Trust Agreement and the relevant collective bargaining agreement are \$700.00.


6. The costs incurred by the plaintiffs in bringing this action consisting of filing and service fees total \$154.42.

7. The total amount owed to the Massachusetts Carpenters Central Collection Agency by defendants consisting of the separate amounts listed in paragraphs 3 through 6 of this affidavit, totals \$114,913.82

8. That the defendant is neither an infant and/or an incompetent person, nor in the military services of the United States.

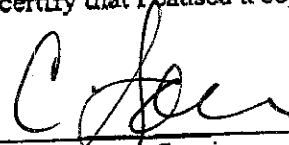
I declare under the penalties of perjury that the foregoing is true and correct this

6 day of July, 2004.

  
\_\_\_\_\_  
Harry Dow, Director  
Massachusetts Carpenters Central Collection  
Agency

CERTIFICATE OF SERVICE

I, Christopher N. Souris, hereby certify that I caused a copy of the foregoing to be mailed this date to C. J. Auditore Flooring, Inc.

  
\_\_\_\_\_  
Christopher N. Souris

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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**JUDGMENT**

LASKER, D.J.

Defendant C. J. Auditore Flooring, Inc. having failed to plead or otherwise defend in this action and default having been entered on June 22, 2004;

Now, upon application of plaintiffs and a declaration demonstrating that defendant owes plaintiff the sum of \$114,759.94, that defendant is not an infant or incompetent person or in the military service of the United States, and that plaintiffs have incurred costs in the sum of \$154.42, it is hereby

**ORDERED, ADJUDGED AND DECREED:**

1. That plaintiffs recover from defendant C. J. Auditore Flooring, Inc. the sum of \$114,913.82 with interest as provided by law.

By the Court,

\_\_\_\_\_  
Deputy Clerk

Dated: \_\_\_\_\_

NOTE: The post judgment interest rate effective this date is \_\_%.